THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 4221 OF 2005

Dated: 27th Setember, 2005

Between:

Smt. V.Durgadevi …Petitioner

A N D

1. Government of Andhra Pradesh

rep. by its Secretary Revenue Department,

A.P. Secretariat, Hyderabad and others. …Respondents

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W.P.No. 4221 OF 2005

ORDER:

1. This writ petition has been filed by Smt Smt.V.Durgadevi assailing the action of the respondents in not surveying/demarcating Ac. 7-00 of land in Survey No. 3o0 and 311 of Bachupalli village, Ranga Reddy District as arbitrary and illegal.

2. The petitioner claims that she is owner of the agricultural land in Ac. 3-00 in Survey No. 300 and Ac.4-00 in Survey No. 311 situated at Bachupalli village, Qutbullapur Mandal, Ranga Reddy District. She inherited the land after the demise of her husband V.Koteshwara Rao. She filed application dated 2-4-2004 before the Mandal Revenue Officer,Qutbullapur Mandal, Ranga Reddy District to mutate her name in the revenue records. The Mandal Revenue Officer, Qutbullapur Mandal,Ranga Reddy District –3rd respondent after due verification mutated her name in the revenue records. Subsequently, she filed application before the Assistant Director of Survey and Land Records,Ranga Reddy District-2nd respondent for survey of her land. Her request came to be rejected under Memo dated 27-1-2005 vide L.Dis.No. A3/2321/2004. Hence this writ petition.

3. 2nd respondent filed counter affidavit. It is stated in the counter affidavit that the petitioner has not chosen for demarcation of the entire survey number, instead she wants demarcation of the part of survey number to the extent of her land, for which the office of the respondent No.2 is not having Tippon of Survey Numbers. Para 3 of the counter affidavit needs to be noted and it is thus;

> "*It is true that the petitioner made an application before this respondent on 30-12-2004 for demarcation of part of Sy.Nos. 300 and 311/A, situated at Bachupali village, Quthubullapur Mandal to an extent Ac.3-00 and Ac.4-00 respectively totaling to Ac. 7-00 cents out of total extent of Ac. 18-08 Gts. and Ac. 16-17 gts respectively while remitting the requisite fee. Accordingly, the case has been examined by this respondent and found that the petitiner's request for demarcation of part of Survey Number cannot be considered. It is submitted that the file bearing N. A3/2321/04, has been referred to the Deputy Inspector of this office to complete the demarcation of entire survey number, while obtaining the consent of neighbouring land owners. But, the petitioner not shown any interest for demarcation of entire survey numbers, instead she wants the demarcation of part of Survey Numbers, for which this office is not having teepan measurements of part Survey numbers as the above lands in question cannot be surveyed separately".*

4. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

5. Learned counsel for the petitioner submits that the petitioner is the owner of the agricultural land admeasuring Ac. 7-00 comprising S.No. 300 and 311 and her name

has been mutated in the revenue records. He further submits that the petitioner filed application before the Assistant Director of Survey and the Land Records,Ranga Reddy District-2nd respondent and without hearing her, her requests came to be rejected under Memo No. L.Dis.A3/2321/2004, dated 27-1-2005. It is his further submission that the Memo No.L.Dis.A3/2321/2004, dated 27-1-2005 is not proper, legal and the same is liable to be set aside.

6. The learned Government Pleader submits that in the absence of Tippon of said Survey Numbers, the 2nd respondent issued Memo expressed his inability to measure part of the land out of total extent in Survey No. 300 and 311.

7. It is clear from the counter affidavit that the petitioner has been advised to approach the 2nd respondent and file application to survey the entire land as part of the land cannot be surveyed in the absence of Tippon. Therefore, entire extent in both the survey numbers required to be surveyed with the consent of the neighbours.

8. In that view of the matter, the action of the respondents in issuing memo cannot be found fault. However, the petitioner is at liberty to make an application for survey of entire extent of lands and thereafter demarcation of the land which she inherited from her husband. Giving liberty to the petitioner to make a fresh application for survey of the entire extent of land in Survey Nos.

300 and 311 respectively. This writ petition is disposed of. No order as to costs.

B.Seshasayana Reddy,J

27th September, 2005.

C.C. in a week.

B/o

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